

1 KEVIN D. REESE, CA Bar No. 172992  
kevin.reese@ogletreedeakins.com  
2 JILL V. CARTWRIGHT, CA Bar No. 260519  
jill.cartwright@ogletreedeakins.com  
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Steuart Tower, Suite 1300  
4 One Market Plaza  
San Francisco, CA 94105  
5 Telephone: 415.442.4810  
Facsimile: 415.442.4870  
6

Attorneys for Defendant  
7 HOME DEPOT U.S.A., INC.

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 JOHN LARKIN,

12 Plaintiff,

13 vs.

14 THE HOME DEPOT, INC., and DOES 1  
15 through XX inclusive,

16 Defendant.

Case No. C-13-02868 LB

**DEFENDANT'S REQUEST TO MODIFY  
THE CASE MANAGEMENT SCHEDULE  
REGARDING DEFENDANT'S REPLY TO  
ITS SUMMARY JUDGMENT MOTION**

Date: November 20, 2014  
Time: 9:30 a.m.  
Location: Courtroom C, 15<sup>th</sup> Floor

Complaint Filed: April 11, 2013  
Trial Date: February 23, 2015

1 Defendant respectfully requests the Court modify the Pretrial Scheduling Order to provide  
2 Defendant one additional week to file its Reply to its Motion for Summary Judgment (Doc. No. 45).  
3 The parties had previously agreed upon and requested a change from the local rules to provide  
4 Plaintiff more time to oppose the summary judgment motion (three weeks) with Defendant  
5 receiving additional time for the reply (two weeks). The Parties initial request provided for this  
6 schedule. (Doc. No. 24).

7 The Court's current Schedule Order provides Plaintiff with his additional time to oppose the  
8 summary judgment motion but does not provide Defendant with additional time for the Reply.

9 This request is also made because lead trial counsel, Kevin Reese, just received notice that  
10 he has a settlement conference on October 28, 2014, and a trial was just scheduled for November 6,  
11 2014. The additional week will provide Mr. Reese with time to both reply to the summary  
12 judgment motion in this case as well as prepare for trial and the settlement conference in his other  
13 action.

14 Defendant has met and conferred with Plaintiff's counsel regarding the additional week for  
15 the Reply and Plaintiff has not objected. Attached as Exhibit A is an email reflecting the parties  
16 meet and confer efforts.

17 As such, Defendant requests the Court modify its scheduling order to provide Defendant  
18 until November 6, 2014 to file its Reply, as the parties originally agreed upon. (Doc. No. 24). This  
19 request does not prejudice Plaintiff since he already agreed to this scheduling. This request does  
20 not affect the November 20, 2014 hearing on Defendant's summary judgment motion, either.

21 DATED: October 3, 2014

22 OGLETREE, DEAKINS, NASH, SMOAK &  
23 STEWART, P.C.

24 By: /s/ Jill V. Cartwright

25 Kevin D. Reese

Jill V. Cartwright

26 Attorneys for Defendant

27 HOME DEPOT U.S.A., INC.

**~~PROPOSED~~ ORDER**

**IT IS SO ORDERED,**

Defendant Home Depot U.S.A., Inc.'s Reply shall be due by November 6, 2014.

DATED: October 9, 2014



---

THE HONORABLE LAUREL BEELER  
MAGISTRATE JUDGE OF THE UNITED  
STATES DISTRICT COURT

19113866.2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## EXHIBIT A